

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

V.

NO. 04 10293 JLT

ANTHONY P. RAYMOND

**MOTION TO DISMISS COUNT THREE OF THE SUPERSEDING
INDICTMENT AND REQUEST FOR ORAL ARGUMENT**

The defendant, Anthony P. Raymond, moves that the Court dismiss Count Three of the superseding indictment in the above-captioned matter.

Dismissal is appropriate in that no evidence of essential elements of the offense charged was presented to the grand jury leading to an improper probable cause determination as to Count three in violation of Amendment V. of the United States Constitution.

WHEREFORE, for the reasons set forth in the attached memorandum of law, the defendant respectfully requests the Court to dismiss count three of the indictment.

REQUEST FOR ORAL ARGUMENT

Defendant believes that oral argument will assist the Court and requests a hearing on this motion. Local Rule 7.1 (D).

/s/ Roger Witkin

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